Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

Applicant/Contact name and address: Dean A. Robbins
3546 Burritt Way
La Crescenta, CA 91214

1. *Type of action*: Provisional Permit to Appropriate Water No. 76LJ-30022446

2. *Water source name*: Wiley's Slough, tributary to Flathead River

   Location affected by action: S2 NE of Section 11, T27N R21W

3. *Narrative summary of the action to be taken, proposed project, purpose, and benefits*: The DNRC shall issue a water use permit if an applicant proves the criteria in §85-2-311, MCA are met. The applicant is requesting 310 GPM up to 38.56 acre-feet for irrigation of 16 acres from April 15 through October 15 of each year. The point of diversion is in the NW SE NE of Section 11, Township 27N, Range 21W of Flathead County. The means of diversion is a 15 HP pump rated at 310 GPM. The applicant intends to grow alfalfa in the fields. Irrigating the fields will increase crop production significantly.

4. *Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)*

   State Historic Preservation Office
   Montana Natural Heritage Program
   Department of Fish, Wildlife & Parks
   Department of Environmental Quality

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: Wiley's Slough is not identified as chronically or periodically dewatered. A study conducted by Roger Noble of the Montana Bureau of Mines and Geology in 1986 found that oxbow sloughs of the lower Flathead River showed a direct correlation to the stage of Flathead Lake. Flathead Lake is not listed as chronically or periodically dewatered, either.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: Wiley's Slough is not listed as water quality impaired or threatened by the DEQ. The proposed project should have no affect on the water quality of the slough.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: The use of water from Wiley's Slough will have minimal impact on ground water supply. Roger Noble's study determined that groundwater within one half mile of the Flathead River or it's sloughs tends to directly correlate with the stage of Flathead Lake. The capacity of Flathead Lake with the addition of the backwater effect on the Flathead River is immense, so the withdrawal of 39 acre-feet of water from this system will be imperceptible.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: The water will be diverted by a 15 HP pump capable of supplying 310 GPM for irrigation. The proposed project will not have any additional impact on channels, flows, barriers, riparian areas, dams, or well construction.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: The withdrawal of 310 GPM of water will be imperceptible to the slough and its flora and fauna because the amount of water in the slough is determined by the elevation of Flathead Lake. There will be no additional impact to the area's wildlife.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: The project does not involve nor is it near any wetlands.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: The project does not involve any ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE *- Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: The additional volume of water used for irrigation will increase the moisture content in the soil of and near the place of use. Saline seep is generally not a problem is Western Montana.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS *- Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: The project **itself** will pose no impact to existing vegetative cover; the **reason** for the project is to irrigate the applicant's property. The presence of well tended, irrigated fields should actually help **reduce** the establishment or spread of noxious weeds!

AIR QUALITY *- Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: This project will not produce any air-borne pollutants. Increasing the health of the vegetation in the area may actually help purify the air and reduce the potential for dust pollution.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: The State Historic Preservation Office did not identify any sites of historical significance.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water, and energy not already addressed.*

Determination: No impacts are anticipated from this development.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: The project is consistent with land use in the area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: The development will not impact access to or the quality of recreational and wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: The project will have no impact on human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
Yes___ No_X_. If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: Private property rights are not impacted or regulated by this proposed action. The right to use water belonging to the State of Montana will become a property right if this permit is issued.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) Cultural uniqueness and diversity? None.

(*b) Local and state tax base and tax revenues?* None.

(c) *Existing land uses?* No.

(d) *Quantity and distribution of employment?* No.

(e) *Distribution and density of population and housing?* None.

(f) *Demands for government services?* None.

(g) *Industrial and commercial activity?* None.

(h) *Utilities?* None.

(i) *Transportation?* None.

(j) *Safety?* None.

(k) *Other appropriate social and economic circumstances?* None.

2. ***Secondary and cumulative impacts on the physical environment and human population:*** The place of use is in area primarily used for agricultural purposes. The applicant intends to increase the agricultural productivity of his property.

3. ***Describe any mitigation/stipulation measures:*** No mitigation measures are required or necessary.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** Irrigation is necessary to increase the productivity of the applicant's fields. Pumping water from Wiley's Slough is the simplest and most economical way to achieve this end. No action would result in decreased crop production and reduce the applicant's ability to farm the land efficiently.

PART III. Conclusion

Based on the significance criteria evaluated in this EA, is an EIS required? No.

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore no EIS is necessary.

Name of person responsible for preparation of EA:

Name: James Albrecht
Title: Water Resource Specialist
Date: October 31, 2006